## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

James Fishburne,	) C/A No.: 2:04-22213-RBH
Plaintiff,	) C/A No 2.04-22213-RDfi )
VS.	)
	) ORDER
Jo Anne B. Barnhart,	)
Commissioner of Social Security,	
Defendant.	)
	)

On May 17, 2005, plaintiff filed a motion for attorney's fees and costs pursuant to the Equal Access to Justice Act, 42 U.S.C. § 2412 on the basis that the position taken by the defendant in this action was not substantially justified. Defendant filed a response on May 31, 2005, indicating that she does not oppose plaintiff's request for fees and agrees to pay plaintiff a total of \$3,044.43 (\$150.41 x 4.7 attorney hours, \$85.00 x 27.5 eligible paralegal hours). Having no objection, the Court so orders the defendant to pay plaintiff the sum of \$3,044.43 towards fees and costs.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell

United States District Judge

June 2, 2005 Florence, South Carolina